



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information (202) 418-0500. Recorded listing of releases and texts (202) 418-2222.

DA 97-157
January 24, 1997

AUCTION OF INTERACTIVE VIDEO AND DATA SERVICE (IVDS)

Status of Applications to Participate in Auction

Report No. AUC-96-13-D (Auction No. 13)

The Federal Communications Commission (FCC) has received 68 timely-filed FCC Form 175 applications to participate in an auction scheduled to begin on Tuesday, February 18, 1997 for 981 Interactive Video and Data Service (IVDS) licenses. The applications have been reviewed for completeness and compliance with the Commission's rules, and have been classified into the following categories:

ACCEPTED FOR FILING	INCOMPLETE	REJECTED
44 Applications	22 Applications	2 Applications

- **Upfront Payment Deadline: February 3, 1997**
- **Application Resubmit Deadline: February 3, 1997**

Applications classified as accepted for filing are listed alphabetically in Attachment A.¹ These applicants will become qualified bidders upon receipt of the required upfront payment by February 3, 1997, as discussed below. They need take no further action with respect to their applications except

¹ Prior to the release of this Public Notice, three applicants were granted waivers to add licenses to their electronically-filed applications due to typographical or similar clerical errors (*see* 47 C.F.R. § 1.2105(b)(2)). By action of the Auctions Division, Gateway PCS, Inc., George Gonzales, and Spectrum IVDS, LLC qualify to bid in both frequency blocks in all markets. The complete license data information for these applicants has been incorporated in the Attachments hereto and the applicants' electronic files.

as may be necessary to keep their applications up-to-date. *See* 47 C.F.R. §§ 1.65, 1.2106, and 95.816(c)(2).

Applications classified as incomplete are listed alphabetically in Attachment B. These applicants will become qualified bidders only if they: (1) resubmit their applications by 5:30 p.m. EST on Tuesday February 3, 1997, to correct the minor deficiencies indicated, and (2) make the required upfront payments by February 3, 1997, as discussed below. They must also keep their applications up-to-date as required. *See* 47 C.F.R. §§ 1.65, 1.2106, and 95.816(c)(2).

The two applications classified as rejected are listed in Attachment C. These applications and any other late-filed applications will be dismissed with no opportunity to resubmit, and the applicants will not become qualified bidders. *See* 47 C.F.R. §§ 95.816(c)(2) and 1.2105(b).

Waiver requests: Some applications included waiver requests (either in the waiver data field or in exhibits) that may affect the applicant's qualifications to hold IVDS licenses in particular markets. Applications denoted with an asterisk (*) in the Attachments have pending waiver request(s). Acceptance of the applications for filing is conditioned on our resolution of the waiver request(s).

Confidentiality requests: Applications containing a request for confidential treatment of certain information are accepted conditioned on the disposition of the confidentiality requests. Ultimately, however, applicants may be required to make this information publicly available.

RESUBMISSION FILING DEADLINE

Corrected FCC Form 175 applications must be filed no later than **5:30 p.m. EST on Tuesday, February 3, 1997**. This will be the only opportunity to cure FCC Form 175 defects; late resubmissions will not be accepted.

As described in the Commission's rules, applicants may make only minor corrections to their FCC Form 175 applications; major modifications (*e.g.*, changing the markets applied for, changing control of the applicant, changing the certifying official or signing a manual application) will not be accepted. *See* 47 C.F.R. §§ 1.2105(b) and 95.816(c)(2)(i).

Applicants who filed their FCC Form 175 applications electronically must resubmit their corrected applications electronically. Applicants who filed their FCC Form 175 applications manually may resubmit their corrected applications either manually or electronically, but must resubmit electronically if they wish to bid electronically.

Manual Resubmission: Manual resubmissions, whether mailed, hand-delivered or sent by private courier, must be delivered to:

Attn: FCC Form 175 Processing, Auction No. 13
Federal Communications Commission

Office of the Secretary
1919 M Street, N.W., Room 222
Washington, DC 20554

NOTE: Manual resubmissions delivered to unauthorized locations or received after the deadline will not be considered properly filed, and will be returned without consideration.

Manual resubmissions must consist of a new FCC Form 175, complete in all respects including exhibits, correcting the identified deficiencies and signed with an original signature. *See* 47 C.F.R. §§ 95.816(c)(2)(i) and 1.2105(b)(3). In addition, corrected applications consisting of more than five pages must include either three microfiche copies of the complete application or a 3.5-inch diskette containing ASCII text (.TXT) files of all exhibit documentation attached to the FCC Form 175.

Electronic Resubmission of Manual Applications: Manual filers may resubmit their corrected FCC Form 175 applications electronically, either to correct deficiencies or in order to become eligible to bid electronically. In either case, however, manual filers must first obtain a log-in code that will let them access and amend their applications on-line. To do so, either the certifying official or one of the authorized representatives (as shown on the FCC Form 175) **MUST APPEAR IN PERSON** during normal business hours at the FCC Auction Headquarters, 2 Massachusetts Avenue, N.E., Washington, D.C., with two forms of identification, one of which must include a photograph.

UPFRONT PAYMENT DEADLINE

Upfront payments and accompanying FCC Remittance Advice (FCC Form 159s) for this auction are due at Mellon Bank, Pittsburgh, Pennsylvania, on **Monday, February 3, 1997**. Payments by wire transfer (the payment method the Commission strongly encourages) must be received at Mellon Bank by 6:00 p.m. EST on the due date. Payment by cashier's check must be received by 11:59 p.m. EST by the due date. No other payment method is acceptable for this auction. See Tab B, Part 3.C of the Bidder Information Package for detailed upfront payment instructions.

Applicants who have filed applications classified by this public notice as incomplete must submit timely upfront payments in order for the Commission to review their resubmitted applications. If such an application remains incomplete following its resubmission, it will be dismissed; the upfront payment will be refunded automatically if the applicant has provided its Taxpayer Identification Number and wire transfer instructions.

OTHER IMPORTANT INFORMATION

Qualified bidders: A final public notice listing all applicants qualified to bid in the auction will be released after upfront payments have been received, resubmitted FCC Form 175 applications have been processed and reviewed, and payments and applications have been correlated.

Anti-collusion rule: As of the Tuesday, January 21, 1997 FCC Form 175 filing deadline, applicants are generally prohibited from communicating with other applicants for licenses in the same markets regarding bids, bidding strategies or settlements. The only exception is where applicants entered into a bidding agreement before the January 21, 1997 FCC Form 175 deadline and disclosed the existence of the agreement on their application. More particularly, the Commission's anti-collusion rule provides that, applicants may not cooperate, collaborate, discuss or disclose the substance of their bids or bidding strategies with other bidders *until after the high bidder makes the required down payment*⁴⁷ C.F.R. § 1.2105(c)(1) (emphasis added). Accordingly, applicants who purportedly reserved the right to supplement their applications to disclose new bidding agreements are prohibited from doing so. In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. Winning bidders will be required to disclose in their long-form applications (FCC Form 600) the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships, and other arrangements entered into relating to the competitive bidding process. Bidders found to have violated the anti-collusion rule may be subject to sanctions. *See* 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.209(d).

Ex parte rule: Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.1208). *See* "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for Ex Parte Purposes," *Public Notice*, 9 FCC Rcd 6760 (1994).

Bidder information packages: Applicants who do not yet have the Bidder Information Package for this auction (or need additional copies) should call the FCC Wireless Consumer Assistance Branch at 800-322-1117 to order their copies without further delay.

Mock auction: Likewise, all applicants whose FCC Form 175 applications have been accepted for filing are eligible to participate in mock electronic auctions on Wednesday and Thursday, February 12 and 13, 1997. When software for the mock auction is posted for downloading, its availability will be announced by public notice available on-line.

Remote bidding software: Applicants are reminded that qualified bidders who filed (or amend) their FCC Form 175 applications electronically are eligible to bid either electronically or telephonically, whereas manual filers may bid only by telephone. To ensure timely delivery of remote bidding software before the auction begins, the Commission must receive software orders by 5:30 p.m. EST on Tuesday, February 4, 1997. An order form is included at Tab A, Part 5 of the Bidder Information Package.

For additional information regarding this public notice, please contact: Christina Clearwater, Howard Griboff, or Ruby Hough, Auctions Division, Wireless Telecommunications Bureau, at (202) 418-0660.

- FCC -

FCC IVDS Auction
Form 175 Accepted List (Initial)
Auction ID: 13

Attachment A

(sorted by Applicant)

Date of Report: 1/24/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	License(s)	Waiver Requested
0943258308	Big Island Wireless Cable Television, Inc.	R387-B	N
9723170357	Broadcast Developer, LLC	ALL	N
0341799870	Buckeye-Interactivision Acquisition Group, Inc.	ALL	N
0324408627	CAMRY CONSULTING SERVICES, INC.	ALL	N
0954612444	Comet Wireless Inc.	ALL	N
0581432462	Command Control Inc.	ALL	N
0521880213	Community Teleplay, Inc.	R681-A R681-B R682-A R682-B R683-A R683-B R684-A R684-B R685-A R685-B R686-A R686-B R687-A R687-B R688-A R688-B R689-A R689-B R690-A R690-B R691-A R691-B R692-A R692-B R400-A R400-B R401-A R401B R402-A R402-B R443-A R443-B R444-A R444-B	N
0371354355	Delta Communications, LLC		N
0311433683	Dispatch Interactive Television, Inc.	ALL	N
7706640082	FINCOM, LLC	ALL	N
7185442663	Future Digital Communications Inc.	ALL	N
9549922435	GNHC, Inc	ALL	N
5202961148	Gateway PCS, Inc.	ALL	N
7035069745	George O. Gonzalez	ALL	N
0521603766	Gloria Borland Media, Inc.	M093-B	N
0660521088	HOPRI	ALL	N
0660499300	INTERAMERICAN CELLULAR COMMUNICATIONS CORPORATION	M091-A M091-B M147-B M202-B R723-A R723-B R724-A R724-B R725-A R725-B R726-A R726-B R727-A R727-B R728-A R728-B R729-A R729-B R730-A R730-B R731-A R731-B	N
2176522555	IVDS HOLDINGS	ALL	N
0954534094	In-Sync Interactive Corporation	ALL	N
0582219313	Info Strategies Inc.	ALL	N
0954494609	Interactive Development Fund, LLC	ALL	N
0330650232	Intermedia Vision Systems	ALL	N
7185442827	Kalan Communications Inc.	ALL	N
0419159144	LORA BAILEY	M017-A R314-A	N
0341774755	MKS Interactive, Inc.	ALL	N

FCC IVDS Auction
Form 175 Accepted List (Initial)
Auction ID: 13

Attachment A

(sorted by Applicant)

Date of Report: 1/24/97

The following Form 175 Applicants have been judged 'Acceptable' and have applied for the following licenses:

FCC Account #	Name	License(s)	Waiver Requested
0151705291	MULTIMEDIA COMPUTER COMMUNICATION, INC.	ALL	N
0052789932	Maritime Communications Corp.	ALL	Y
0721279495	Mercury Mobility, LLC	ALL	N
7145740091	R.J.J.D.	ALL	N
4107574111	SBM Holdings, Inc.	ALL	N
0721193554	SOUTHEAST EQUITIES, INC.	ALL	N
0943258311	Shaddai Hawaii Incorporated	M050-A R385-B R386-B	N
4102684003	Spectrum IVDS, L.L.C.	ALL	N
4102967740	T3 Communications, Inc.	ALL	Y
0231667560	Taylor & Tabakin Partners	ALL	Y
0112907608	Tel/Logic Inc.	ALL	N
0582110101	Teleview Communications, Inc.	R379-A R379-B	N
0582251441	Troup EMC Communications, Inc.	ALL	N
0345343695	Ture Elowson	ALL	N
0954484469	VITECH CORPORATION	ALL	N
0351925022	WAVE, Inc.	ALL	N
0954497449	WINCOM Corporation	ALL	N
0341799865	WVI Partners, Inc.	ALL	N
0371353081	Western Horizons, Inc.	ALL	N

FCC IVDS Auction
Form 175 Incomplete List (Initial)
Auction ID: 13

Attachment B

(sorted by Applicant)

Date of Report: 1/24/97

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account #	Name	Error Description	Waiver Requested
7038305899	A & B Investments	Invalid Attachments	N
0521987282	CELLUTECH	Invalid License Data	N
4075396540	CYBER/ACTIVE, L.P.	Invalid Attachments	N
5103529508	California RSA Partners	Invalid Attachments	N
		Invalid License Data	
00521880371	Combined Interactive Inc.	Missing/Invalid FCC Account Number	Y
0460234208	Dakota Cooperative Telecommunications, Inc.	Missing Applicant Status	N
0760245618	ELLERON OIL COMPANY	Invalid Attachments	N
6169493200	HANC Investments	Invalid Attachments	N
9126349523	INTERACTIVE CHANNEL, INC.	Invalid Attachments	N
9126346427	INTERACTIVE JACKSONVILLE, INC.	Invalid Attachments	N
7185442772	Interactive Partners III	Invalid Attachments	N
4106537735	Intrinix Technologies Inc	Invalid Attachments	N
310969011	Progressive Communications Inc.	Missing/Invalid FCC Account Number	N
0841295270	Redwood Broadcasting, Inc.	Invalid License Data	N
		Invalid Payment Plan	
0560596401	Sean P. Beatty	Invalid License Data	N
7038648599	Seymour Butz Company	Invalid Attachments	N
0383130979	TELESAV, INC.	Invalid Attachments	N
5102350632	TEXCELL COMMUNICATIONS COMPANY, INC.	Invalid Attachments	N
0548763903	Trans Pacific Interactive	Invalid Attachments	N
2016948213	WAYNE PARTNERS	Invalid Attachments	N
6168643111	William McCarty/Dennis McCarty	Invalid Attachments	N
1316842094	hop enterprises	Invalid Attachments	N

FCC IVDS Auction

Attachment C

Form 175 Rejected List (Initial)

Auction ID: 13

(Sorted by Applicant)

Date of Report: 1/24/97

The following entries have been rejected

FCC Account #	Name	Error Description
2132910422	AL AIR DATA, INC.	Missing/Invalid Signature
5208867878	Gateway PCS, Inc.	Missing/Invalid Attachments